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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,233	03/16/2004	Ming Ta Hsu	24061.75 (TSMC2003.0374)	2017
43717 7590 02/15/2008 HAYNES AND BOONE, LLP 901 Main Street Suite 3100 Dallas, TX 75202				
EXAMINER ROBINSON BOYCE, AKIBA K				
ART UNIT 3628		PAPER NUMBER		
MAIL DATE 02/15/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,233

Applicant(s)

HSU ET AL.

Examiner

AKIBA K. ROBINSON BOYCE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-11, 15 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11, 15 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 11/8/07, the following is a final office action. Claims 1, 4-6, 8, 10, 15, 19, 22 and 24-31 have been amended. Claims 3, 12-14 and 16-18 have been cancelled. Claims 1, 2, 4-11, 15 and 19-31 are pending in this application and have been examined on the merits. Claims 1, 2, 4-11, 15 and 19-31 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-2,4-11,15, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US 4,799,156).

As per claims 1, 19, Shavit discloses:

updating the quotation system including at least a first raw material product and its quote amount; storing the quote amount associated with the first raw material product in a quotation database/ providing the quotation system including at least a first raw material product and its quote amount; storing the quote amount, (Col. 11 line 52 – Col. 12 line 18, w/Col. 16, line 50 – Col. 17, line 2, w/Col. 33 line 28 – Col. 34 line 2, w/ Col. 40 lines 27 -35);

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determining that the first raw material product is associated with a desired finished product and a quantity of the first raw material product associated with the desired finished product; (Col. 13 line 51 - Col. 14 line 9); and

calculating a demand planning system price associated with the desired finished product based on the quote amount associated with the first raw material product and the quantity of the first raw material product associated with the desired finished product/ calculating a demand planning system price associated with the first raw material product by accessing the quote amount associated with the first raw material product, and determining the demand planning system price based on the quote amount associated with the first raw material product and the quantity required by the product manufacturing facility demand planning system to manufacture a finished product, (Col. 13 line 10 - Col. 14 line 9, w/Col. 25 lines 28 - 50).

Shavit does not specifically disclose the following: a semiconductor product manufacturing facility.

However, the nature of the facility and its particular industry is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material, this descriptive material will not distinguish the claimed invention from the prior art in terms of

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patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106).

As per claims 2, 13, 20, 24, Shavit does not specifically disclose the following: wherein the product manufacturing facility demand planning system comprises a semiconductor foundry.

However, the nature of the foundry and its particular industry is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106).

As per claim 21, Shavit discloses:

storing the quotation system amount in a quotation system database, (Col. 12 line 54 – Col. 13 line 34, w/Col. 25 lines 28 -50, w/Col. 29 line 31 - Col. 30 line 2, w/Col. 33 line 28 - Col. 34 line 2, w/Col. 36 lines 22 - 53, w/Col. 39 lines 1-4, w/Col. 40 lines 5-17).

As per claims 4, 15, 22, Shavit discloses:

wherein the determining that the first raw material product is associated with the desired

finished product and the determining the quantity of the first raw material product associated with the desired finished product includes accessing a product database, and wherein the product database includes a listing of a plurality of raw material products associated with the finished product/ storing predetermined information associated with the first raw material product and second raw material product in respective raw material product database records, (Col. 2 lines 9-15, Col. 7 lines 6-22, Col. 25 line 51 - Col. 26 line 4, Col. 40 lines 28-35);

As per claim 5, Shavit discloses:

providing a mapping system, and updating a mapping database with information from the quotation system database and the product database associated with the first raw material product using the mapping system, (Col. 24 line 53 - Col. 25 line 9, Col. 31 line 32 - Col. 32 line 9, Col. 36 lines 22-53, Col. 40 lines 28-35);

As per claims 6-9, 16-18, 26, 27, Shavit discloses:

wherein the mapping database is updated automatically when the quotation system database is changed, and wherein the mapping database includes a plurality of raw materials associated with the desired finished product and a price associated with each of the plurality of raw materials/wherein the mapping database is updated automatically when a new quotation is entered into the quotation system database utilizing a database trigger/ wherein the mapping database is updated automatically when a new quotation is entered into the quotation system database utilizing an auto-

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call function/ wherein the mapping database is updated automatically when the product database is changed, (see at least column 24 line 53 - column 25 line 9, column 31 line 32 - column 32 line 9, column 36 lines 22-53, column 40 lines 28-35. In the present case, utilizing database triggers or auto-call functions is inherent in automatic database updating).

As per claims 10, 11, 12, 23, Shavit discloses:

receiving a quote amount associated with a second raw material product;
storing the quote amount associated with the second raw material product in the quotation system database/ providing the quotation system with at least two raw material products and their respective quote amounts; storing the two quote amounts/a quotation system entry device for entering a quotation entry that includes at least two raw materials and their quote amounts; memory connected to the data entry device configured to receive the quote amounts, (Col. 11 line 52 - Col. 12 line 18, Col. 16 line 50 - Col. 17 line 2, Col. 33 line 28 - Col. 34 line 2, Col. 40 lines 27 - 35);

determining that the second raw material product is associated with the desired finished product and determining a quantity of the second raw material product associated with the desired finished product, (Col. 13 line 51 - Col. 14 line 9);

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wherein calculating the demand planning system price associated with the desired finished product is based on the stored quote amount associated with the second raw material product and the quantity of the second raw material product associated with the desired finished product/ wherein the quote amount associated with the first raw material product and the quote amount associated with the second raw material product are in the same quotation system/calculating demand planning system prices associated with the at least two raw material products by accessing the quote amounts associated with the products, and determining the demand planning system prices based on the respective quote amounts associated with the products and their respective desired quantities identified in the product manufacturing facility demand planning system/a price calculator configured to receive the desired quantities of raw materials from the demand planning system entry device, to access the memory to identify the quote amounts associated with the raw materials, and to calculate a price for the finished product based on the desired quantities and quote amounts of raw materials, (Col. 12 line 54 - Col. 14 line 9, Col. 25 lines 28 - 50, Col. 29 line 31 - Col. 30 line 2, Col. 33 line 28 - Col. 34 line 2, Col. 36 lines 22 - 53, Col. 39 lines 1-4, Col. 40 lines 5-17).

As per claim 25, Shavit discloses:

a quotation system database connected to the demand planning system entry device, (Col. 12 line 54 – Col. 13 line 34, w/Col. 25 lines 28 -50, w/Col. 29 line 31 - Col. 30 line

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2, w/Col. 33 line 28 - Col. 34 line 2, w/Col. 36 lines 22 - 53, w/Col. 39 lines 1-4, w/Col. 40 lines 5-17).

; a product database configured to receive raw material product information, (Col. 2 lines 9-15, Col. 7 lines 6-22, Col. 25 line 51 - Col. 26 line 4, Col. 40 lines 28-35); and a mapping database that interfaces with both the quotation system database and product database capable of storing information associated with the raw material products, (Col. 24 line 53 - Col. 25 line 9, Col. 31 line 32 - Col. 32 line 9, Col. 36 lines 22-53, Col. 40 lines 28-35).

As per claim 28, Shavit discloses:

wherein the quotation system entry device and the demand planning system entry device comprise a single device (Abstract, column 5 lines 16-65, column 13 line 51 - column 14 line 9, in this case, virtually every function performed can be performed by the same device).

4. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US 4,799,156), and further in view of Senior (US 2002/0029171).

As per claims 29-31, *Shavit does not specifically teach the following:*

wherein the single device is a personal data assistant/wherein the quotation system entry device is connected to the memory via a wireless connection/ wherein the demand planning system entry device is connected to the price calculator via a wireless connection.

But does teach that every function performed can virtually be performed by the same device in the Abstract, column 5 lines 16-65, column 13 line 51 -column 14 line 9.

However, discloses:

the single device being a personal data assistant, the quotation entry device connected to the memory via a wireless connection, and the order entry device connected to the price calculator via a wireless connection ([0063]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Shavit and Banks to include the single device being a personal data assistant, the quotation entry device being connected to the memory via a wireless connection, and the order entry device being connected to the price calculator via a wireless connection as taught by Senior, in order to improve the convenience of using of the system, make the system more accessible, and make the system easier to use, thereby attracting more users to the system and increasing commerce using the system.

Response to Arguments

5. Applicant's arguments, see remarks, filed 11/8/07, with respect to claims 1-31 have been fully considered and are persuasive. The Double Patenting Rejection of claims 1-31 has been withdrawn.

6. Applicant's arguments filed 11/8/07 have been fully considered but they are not persuasive.

As per claim 1, applicant argues that contrary to the Examiner's assertions, Shavit does not disclose identifying a desired finished product and determining that the first raw material product is associated with the desired finished product and a quantity of the first raw material product associated with the desired finished product. However, Col. 13 line 51 - Col. 14 line 9 discloses identified required items, which represents the desired finished product since one could not possible have a finished product without the required items, and validating various data items and computing such values as weight and volume of the ordered items, where an outstanding bid can be converted into an order, either as is or with changes, where in this case, data items represent the first raw material product, and the weight and volume represent the quantity. Also, in Col. 15, lines 9-10, it is shown that a deferred bid for a product can result in processing the data as raw data (i.e. change it into an order, etc.), which in combination with the passage cited above, means that the validation of various data items involves validating raw data.

Applicant also argues that Shavit fails to disclose calculating a demand planning system price associated with the desired finished product based on the quote amount associated with the first raw material product and the quantity of the first raw material product associated with the desired finished product as required by Claim 1. However, Col. 13 line 10 - Col. 14 line 9, in combination with Col. 25 lines 28 - 50 discloses this feature. Specifically, in Col. 13, line 10-Col. 14, line 9, it is true that

Shavit discloses RFQ's or requests for quotes. However, Shavit also continues to teach that after prices and terms are recalculated upon modifying an RFQ, when a bid becomes available, the user is notified that the bid is now available (with the current price), and that the buyer may modify its request and retransmit the RFQ several times before making an order decision. In this case, the order decision for the desired finished product would be based on the RFQ, and the user would purchase the product based on the price (represents the demand planning system price) represented by the RFQ that presented the user with a favorable choice. The same type of information is disclosed by Shavit is Col. 25, lines 28-50.

As per claim 19, this claim recites limitations similar to that of claim 1, and is therefore still rejected for the same reasons.

As per claim 23, , this claim recites limitations similar to that of claim 1, and is therefore still rejected for the same reasons.

As per Claims 2, 4-11, and 15, Claims 20-22, and Claims 24-31 these claims respectively depend from Claim 1, Claim 19, and Claim 23, and are also still unpatentable over the art of record, for example, for the same reasons as Claims 1, 19, and 23, respectively.

As per claims 4, 15 and 22, applicants find no mention of a product database including a plurality of raw materials associated with a finished product. However, in Col. 25 line 51 - Col. 26 line 4, Col. 40 lines 28-35 Shavit discloses an inventory database online which is used to confirm orders, propose substitutes, etc. In this case,

the inventory database represents the product database. Also, since Col. 15, lines 9-10, shows that a deferred bid for a product can result in processing the data as raw data (i.e. change it into an order, etc.), which in combination with the passage cited above, means that the database involves validating raw data.

As per claim 5, none of the cited portions of Shavit disclose a mapping system, much less a mapping database. However, the following passages disclose the mapping system: Col. 24 line 53 - Col. 25 line 9, Col. 31 line 32 - Col. 32 line 9, Col. 36 lines 22-53, Col. 40 lines 28-35. Specifically, in Col. 24 line 53 - Col. 25 line 9, it is shown that the system links the user to selected application programs, where database retrieval programs are made available. In this case, "linking" represents mapping, and the databases that are retrieved through the linked programs represent mapping databases.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.

February 14, 2008

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628